

IEMA response to the Department for Environment, Food & Rural Affairs Draft Environmental Principles Policy Statement

About IEMA

IEMA is the professional body for those people working in environmental management, impact assessment and corporate sustainability roles. IEMA's growing membership of over 17,000 professionals work at the interface between organisations, the environment and society in a range of critical roles (for example from Sustainability Directors through to Climate Change leads and in consultancy and advisory roles). We also work with a range of corporate partners (over 200). Our professional members are active across all sectors of the economy, for example from construction and manufacturing through to logistics, facilities, and across financial, retail, food, consultancy and the wider service and public sector.

Executive summary

The Environmental Principles Policy Statement has the potential to be one of the most important tools at the government's disposal in protecting and enhancing the natural environment.

In developing the statement it is important that the perception that it is just another 'box-ticking' exercise for policymakers is avoided. Instead the emphasis must be placed on positioning the statement at the centre of the government's environmental and climate ambitions. In the year that the UK hosts COP26 there is seemingly a golden opportunity to achieve this.

However, to ensure that the policy statement is as effective as it can be over the long-term, we consider that there are a number of key additions and amendments that are required.

Having consulted members and other expert stakeholders with an interest in the issues, IEMA makes the following key recommendations that we believe will improve the application of the policy statement:

- An explanation of 'due regard' should be provided in the policy statement or supporting guidance, so that policymakers across government can better understand what is expected of them legally in using the policy statement and its five principles.
- To eliminate any potential confusion, an explanation of how the policy statement should be used in conjunction with existing government appraisal guidance (e.g. the Green Book) should be provided in the statement or supporting guidance.
- Examples and case studies should be used in step 3 of the policy statement to help policymakers across government understand what each of the five principles means in practice and thus to help their application.

- A decision-making tree or similar process tool should be set out in the policy statement or supporting guidance to aid policymakers across government in selecting and applying the five principles when developing policy.
- The policy statement is almost exclusively focused on the prevention and mitigation of environmental harm. Throughout and particularly in the commentary on the five principles, ways through which policymaking across government can enhance the natural environment should also be offered.
- Connections should be made in the policy statement to the other governance components of the Environment Bill – including the long-term environmental targets, Environmental Improvement Plans (EIP) and the Office for Environmental Protection – to ensure that the application of the policy statement is effectively used in the policymaking process across government to support achievement of environmental targets and EIPs.

About you

Question 1. Would you like your response to be confidential?

No

Question 2. What is your name?

Ben Goodwin

Question 3. Are you responding:

On behalf of an organisation

About your organisation

Question 4. What type of organisation are you responding on behalf of?

Responding on behalf of another type of organisation – Professional body

Institute of Environmental Management and Assessment

Environmental Principles - An overview

Question 5. Do you think the overview section provides an adequate foundation for policy makers to apply the environmental principles in policy-making?

The overview section of the statement does a reasonable job in setting out the intended purpose of the principles and how they relate to the aims and objectives included in the Environment Bill¹ itself. However, in terms of providing a clear steer to policymakers on how the statement and principles should be applied there is some ambiguity, and more guidance and clarity is required to mitigate this.

While ‘due regard’ is an established legal term that is often used in parliamentary legislation, it should not be assumed that policymakers across the breadth of government have a full understanding of what this means in practice. Either as part of the statement or in supporting guidance, an explanation of ‘due regard’ should be provided to aid policymakers in applying the principles, in a similar way that it is explained in the *Public Sector Equality Duty*.²

Supporting guidance should not be overly prescriptive, but should provide practical insights into how ‘due regard’ should be given to each of the principles as part of the policymaking process. This, in turn, will help to reduce the scope that exists for misinterpretation of what each principle actually requires policymakers to consider.

The statement (including the overview section) provides no specific reference to other guidance that is used to appraise the costs and wider benefits of government policies, projects and programmes e.g. the Green Book³ or National Policy Statements.⁴ It also makes no reference to initiatives such as the United Nations Sustainable Development Goals⁵ and how these should be factored into national policymaking.

This creates uncertainty around how the statement and principles should be used in conjunction with existing guidance. Again, this issue should be addressed either in the statement specifically or through supporting guidance.

Process for applying the policy statement

Question 6. Do you think step one allows policy-makers to correctly assess the potential environmental effects of their policy?

Step one provides basic definitions of both ‘environment’ and ‘environmental impact’ that will be helpful to policymakers across government that are not necessarily familiar with such concepts and considerations.

These definitions would become clearer if reference to appropriate examples and case studies was provided.

¹ Defra (2020) [Environment Bill 2020](#)

² DCLG (2012) [DCLG equality objectives 2012 to 2016](#)

³ HMT (2020) [The Green Book: appraisal and evaluation in central government](#)

⁴ Planning Inspectorate (2021) [National Policy Statements](#)

⁵ United Nations (2021) [The 17 Goals](#)

In the paragraphs that deal with proportionality more rigour is required in setting out the level of research that is required on the likely environmental impact of different policies. At the moment the statement says:

‘the level of research into the environmental impact should be proportionate to the likely impact of the policy on the environment.’

However, the level of research and determining impact are arguably bound up with one another. The inclusion of a process (in the statement or in supporting guidance) that explains how this would work in practice would help to reduce confusion and ambiguity in relation to this point.

Question 7. Do you think step one ensures that policy-making will address the most important environmental effects?

Step one lists the below categories of environmental effects or impacts:

- *a primary effect (i.e. intended) or secondary*
- *occurring once, repeatedly, or cumulative*
- *local, regional, national or transboundary*
- *short, medium or long-term*
- *permanent or temporary*
- *positive or negative*

However, these categories are not presented in terms of any hierarchy, while their interdependencies with one another are also not explored through any practical examples. Addressing both of these issues through the statement (or in supporting guidance) would help to ensure that policymaking across government considers environmental effects in the most proportionate way.

It would be more helpful if this part of the statement were titled as ‘understanding the environmental impacts and opportunities’, while some guidance on assessing whether a policy could have a beneficial impact on the environment would raise ambition.

Question 8. Will step two assist policy-makers in selecting the appropriate environmental principles?

Step two provides a basic description of the intended purpose of each principle, but lacks detail concerning how and when the different principles should be applied by policymakers.

Either through the statement or in supporting guidance, a clear decision-making tree should be included outlining the pathways for selecting individual principles or groups of principles as required for different areas of policy. Such a decision-making tree would again be brought to life with appropriate examples, case studies or scenarios.

Question 9. Do you think step three provides a robust and sufficient framework for the application of each individual environmental principle?

Step 3 goes into a lot of detail in describing each principle conceptually, but again a lack of examples or case studies is likely to hinder the understanding of policymakers as regards their practical application. Including examples in the statement itself (or in supporting guidance) will therefore be important. This is particularly the case for the integration and rectification at source principles.

Question 10. Do you think the process for applying the policy statement (the three steps) provides a robust and sufficient framework for the application of the environmental principles as a whole?

As per Question 8, the statement in its current format does not set down a clear decision-making tree or set of processes for the application of the five environmental principles. This applies both in terms of selecting individual principles, but also within the context of applying specific principles as part of a group and using the statement as an overarching framework. Extra detail, either through the statement or as part of supporting guidance, is required to address this.

Final thoughts

Question 11. Do you have any other comments on the draft policy statement which are not covered by the previous questions?

Overall, the policy statement is focused on the prevention and mitigation of environmental harm, with little attention given to processes or ways in which the natural environment could be enhanced through the five principles. As a consequence the statement lacks the ambition expressed within the Government's 25 Year Plan for the Environment.⁶

Given the increased presence of the environment and 'green issues' in public debate, the statement is missing a golden opportunity to be bolder. COP 26⁷ and the 2050 net-zero target,⁸ among other events and legislation, are now salient issues right at the centre of government and should be used as a springboard for a policy statement focused on the enhancement of the natural environment over the long-term.

Whilst this response has set out the need for supporting guidance and explanation to aid policymakers in using the statement and principles, the objective is not to create bureaucracy that then reduces the exercise to one of 'box-ticking'. Occupying a prime position in the government's cross-departmental narrative should be the goal for a policy statement that prioritises enhancing the environment as well as protecting it.

In addition, there is a governance gap that must be addressed for the policy statement to be more widely effective in policymaking. At present the statement makes no mention of the four priority areas (air quality, biodiversity, water, and resource efficiency and waste reduction)⁹ against which long-term targets will be set to safeguard the environment.

The policy statement should be explicitly linked to the targets, to ensure that they become a key policymaking consideration across government. Similarly, the role of the Office for Environmental Protection¹⁰ in monitoring progress towards achieving the targets should be set out in the statement to provide policymakers with a more complete picture on how the different components of the Environment Bill could most effectively work together in practice.

⁶ Defra (2018) [25 Year Environment Plan](#)

⁷ UNFCCC (2021) [COP26](#)

⁸ BEIS (2019) [UK becomes first major economy to pass net zero emissions law](#)

⁹ Defra (2020) [19 August 2020: Environment Bill - environmental targets](#)

¹⁰ Defra (2021) [Interim Office for Environmental Protection to be launched](#)

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